

House Engrossed

State of Arizona
House of Representatives
Forty-eighth Legislature
First Regular Session
2007

HOUSE BILL 2039

AN ACT

AMENDING SECTION 15-241, ARIZONA REVISED STATUTES; RELATING TO THE DEPARTMENT
OF EDUCATION.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 15-241, Arizona Revised Statutes, is amended to
3 read:

4 15-241. School accountability: schools failing to meet academic
5 standards: failing schools tutoring fund

6 A. The department of education shall compile an annual achievement
7 profile for each public school.

8 B. Each school shall submit to the department any data that is
9 required and requested and that is necessary to compile the achievement
10 profile. A school that fails to submit the information that is necessary is
11 not eligible to receive monies from the classroom site fund established by
12 section 15-977.

13 C. The department shall establish a baseline achievement profile for
14 each school by October 15, 2001. The baseline achievement profile shall be
15 used to determine a standard measurement of acceptable academic progress for
16 each school and a school classification pursuant to subsection ~~G~~ H of this
17 section. Any disclosure of educational records compiled by the department of
18 education pursuant to this section shall comply with the family educational
19 and privacy rights act of 1974 (20 United States Code section 1232g).

20 D. The achievement profile for schools that offer instruction in
21 kindergarten programs and grades one through eight, or any combination of
22 those programs or grades, shall include the following school academic
23 performance indicators:

24 1. The Arizona measure of academic progress. The department shall
25 compute the extent of academic progress made by the pupils in each school
26 during the course of each year.

27 2. The Arizona instrument to measure standards test. The department
28 shall compute the percentage of pupils who meet or exceed the standard on the
29 Arizona instrument to measure standards test, as prescribed by the state
30 board of education.

31 3. The results of English language learners tests administered
32 pursuant to section 15-756, subsection B, section 15-756.05 and section
33 15-756.06.

34 E. The achievement profile for schools that offer instruction in
35 grades nine through twelve, or any combination of those grades, shall include
36 the following school academic performance indicators:

37 1. The Arizona instrument to measure standards test. The department
38 shall compute the percentage of pupils pursuant to subsection ~~F~~ G of this
39 section who meet or exceed the standard on the Arizona instrument to measure
40 standards test, as prescribed by the state board of education.

41 2. The annual dropout rate.

42 3. The annual graduation rate.

43 4. The results of English language learners tests administered
44 pursuant to section 15-756, subsection B, section 15-756.05 and section
45 15-756.06.

1 F. SCHOOLS THAT OFFER INSTRUCTION IN ALL OF THE GRADES SPECIFIED IN
2 SUBSECTIONS D AND E OF THIS SECTION SHALL INCLUDE A SINGLE ACHIEVEMENT
3 PROFILE FOR THAT SCHOOL THAT INCLUDES THE SCHOOL ACADEMIC PERFORMANCE
4 INDICATORS SPECIFIED IN SUBSECTIONS D AND E OF THIS SECTION.

5 ~~F.~~ G. Subject to final adoption by the state board of education, the
6 department shall determine the criteria for each school classification using
7 a research based methodology. The methodology shall include the performance
8 of pupils at all achievement levels, account for pupil mobility, account for
9 the distribution of pupil achievement at each school and include longitudinal
10 indicators of academic performance. For the purposes of this subsection,
11 "research based methodology" means the systematic and objective application
12 of statistical and quantitative research principles to determine a standard
13 measurement of acceptable academic progress for each school.

14 ~~G.~~ H. The achievement profile shall be used to determine a school
15 classification that designates each school as one of the following:

- 16 1. An excelling school.
- 17 2. A highly performing school.
- 18 3. A performing school.
- 19 4. An underperforming school.
- 20 5. A school failing to meet academic standards.

21 ~~H.~~ I. The classification for each school and the criteria used to
22 determine classification pursuant to subsection ~~F~~ G of this section shall be
23 included on the school report card prescribed in section 15-746.

24 ~~I.~~ J. Subject to final adoption by the state board of education, the
25 department of education shall develop a parallel achievement profile for
26 accommodation schools, alternative schools as defined by the state board of
27 education and schools with a student count of fewer than one hundred pupils.

28 ~~J.~~ K. If a school is designated as an underperforming school, within
29 ninety days after receiving notice of the designation, the governing board
30 shall develop an improvement plan for the school, submit a copy of the plan
31 to the superintendent of public instruction and supervise the implementation
32 of the plan. The plan shall include necessary components as identified by
33 the state board of education. Within thirty days after submitting the
34 improvement plan to the superintendent of public instruction, the governing
35 board shall hold a special public meeting in each school that has been
36 designated as an underperforming school and shall present the respective
37 improvement plans that have been developed for each school. The school
38 district governing board, within thirty days of receiving notice of the
39 designation, shall provide written notification of the classification to each
40 residence within the attendance area of the school. The notice shall explain
41 the improvement plan process and provide information regarding the public
42 meeting required by this subsection.

43 ~~K.~~ L. A school that has not submitted an improvement plan pursuant to
44 subsection ~~J~~ K of this section is not eligible to receive monies from the
45 classroom site fund established by section 15-977 for every day that a plan

1 has not been received by the superintendent of public instruction within the
2 time specified in subsection ~~J~~ K of this section plus an additional ninety
3 days. The state board of education shall require the superintendent of the
4 school district to testify before the board and explain the reasons that an
5 improvement plan for that school has not been submitted.

6 ~~L~~ M. If a charter school is designated as an underperforming school,
7 within thirty days the school shall notify the parents of the students
8 attending the school of the classification. The notice shall explain the
9 improvement plan process and provide information regarding the public meeting
10 required by this subsection. Within ninety days of receiving the
11 classification, the charter holder shall present an improvement plan to the
12 charter sponsor at a public meeting and submit a copy of the plan to the
13 superintendent of public instruction. The improvement plan shall include
14 necessary components as identified by the state board of education. For
15 every day that an improvement plan is not received by the superintendent of
16 public instruction, the school is not eligible to receive monies from the
17 classroom site fund established by section 15-977 for every day that a plan
18 has not been received by the superintendent of public instruction within the
19 time specified in subsection ~~J~~ K of this section plus an additional ninety
20 days. The charter holder shall appear before the sponsoring board and
21 explain why the improvement plan has not been submitted.

22 ~~M~~ N. The department of education shall establish an appeals process,
23 to be approved by the state board of education, for a school to appeal data
24 used to determine the achievement profile of the school. The criteria
25 established shall be based on mitigating factors and may include a visit to
26 the school site by the department of education.

27 ~~N~~ O. If a school remains classified as an underperforming school for
28 a third consecutive year, the department of education shall visit the school
29 site to confirm the classification data and to review the implementation of
30 the school's improvement plan. The school shall be classified as failing to
31 meet academic standards unless an alternate classification is made after an
32 appeal pursuant to subsection ~~M~~ N of this section.

33 ~~O~~ P. The school district governing board, within thirty days of
34 receiving notice of the school failing to meet academic standards
35 classification, shall provide written notification of the classification to
36 each residence in the attendance area of the school. The notice shall
37 explain the improvement plan process and provide information regarding the
38 public meeting required by subsection ~~R~~ S of this section.

39 ~~P~~ Q. The superintendent of public instruction, based on need, shall
40 assign a solutions team to an underperforming school, a school failing to
41 meet academic standards or any other school pursuant to a mutual agreement
42 between the department of education and the school comprised of master
43 teachers, fiscal analysts and curriculum assessment experts who are certified
44 by the state board of education as Arizona academic standards technicians.
45 The department of education may hire or contract with administrators,

1 principals and teachers who have demonstrated experience with the
2 characteristics and situations in an underperforming school or a school
3 failing to meet academic standards and may use these personnel as part of the
4 solutions team. The department of education shall work with staff at the
5 school to assist in curricula alignment and shall instruct teachers on how to
6 increase pupil academic progress, considering the school's achievement
7 profile. The solutions team shall consider the existing improvement plan to
8 assess the need for changes to curriculum, professional development and
9 resource allocation and shall present a statement of its findings to the
10 school administrator and district superintendent. Within forty-five days
11 after the presentation of the solutions team's statement of findings, the
12 school district governing board, in cooperation with each school within the
13 school district that is designated an underperforming school and its assigned
14 solutions team representative, shall develop and submit to the department of
15 education an action plan that details the manner in which the school district
16 will assist the school as the school incorporates the findings of the
17 solutions team into the improvement plan. The department of education shall
18 review the action plan and shall either accept the action plan or return the
19 action plan to the school district for modification. If the school district
20 does not submit an approved action plan within forty-five days, the state
21 board of education may direct the superintendent of public instruction to
22 withhold up to ten per cent of state monies that the school district would
23 otherwise be entitled to receive each month until the plan is submitted to
24 the department of education, at which time those monies shall be returned to
25 the school district.

26 ~~R.~~ R. The parent or the guardian of the pupil may apply to the
27 department of education, in a manner determined by the department of
28 education, for a certificate of supplemental instruction from the failing
29 schools tutoring fund established by this section. Pupils attending a school
30 designated as an underperforming school or a school failing to meet academic
31 standards or a pupil who has failed to pass one or more portions of the
32 Arizona instrument to measure standards test in grades eight through twelve
33 in order to graduate from high school may select an alternative tutoring
34 program in academic standards from a provider that is certified by the state
35 board of education. To qualify, the provider must state in writing a level
36 of academic improvement for the pupil that includes a timeline for
37 improvement that is agreed to by the parent or guardian of the pupil. The
38 state board of education shall annually review academic performance levels
39 for providers certified pursuant to this subsection and may remove a provider
40 at a public hearing from an approved list of providers if that provider fails
41 to meet its stated level of academic improvement. The state board of
42 education shall determine the application guidelines and the maximum value
43 for each certificate of supplemental instruction. The state board of
44 education shall annually complete a market survey in order to determine the
45 maximum value for each certificate of supplemental instruction. Nothing in

1 this subsection shall be construed to require the state to provide additional
2 monies beyond the monies provided pursuant to section 42-5029, subsection E,
3 paragraph 7.

4 ~~R-~~ S. Within sixty days of receiving notification of designation as a
5 school failing to meet academic standards, the school district governing
6 board shall evaluate needed changes to the existing improvement plan for the
7 school, consider recommendations from the solutions team, submit a copy of
8 the plan to the superintendent of public instruction and supervise the
9 implementation of the plan. Within thirty days after submitting the
10 improvement plan to the superintendent of public instruction, the governing
11 board shall hold a public meeting in each school that has been designated as
12 a school failing to meet academic standards and shall present the respective
13 improvement plans that have been developed for each school.

14 ~~S-~~ T. A school that has not submitted an improvement plan pursuant to
15 subsection ~~R-~~ S of this section is not eligible to receive monies from the
16 classroom site fund established by section 15-977 for every day that a plan
17 has not been received by the superintendent of public instruction within the
18 time specified in subsection ~~R-~~ S of this section plus an additional ninety
19 days. The state board of education shall require the superintendent of the
20 school district to testify before the board and explain the reasons that an
21 improvement plan for that school has not been submitted.

22 ~~T-~~ U. If a charter school is designated as a school failing to meet
23 academic standards, the department of education shall immediately notify the
24 charter school's sponsor. The charter school's sponsor shall either take
25 action to restore the charter school to acceptable performance or revoke the
26 charter school's charter. Within thirty days the school shall notify the
27 parents of the students attending the school of the classification and of any
28 pending public meetings to review the issue.

29 ~~U-~~ V. A school that has been designated as a school failing to meet
30 academic standards shall be evaluated by the department of education to
31 determine if the school failed to properly implement its school improvement
32 plan, align the curriculum with academic standards, provide teacher training,
33 prioritize the budget or implement other proven strategies to improve
34 academic performance. After visiting the school site pursuant to subsection
35 ~~N-~~ O of this section, the department of education shall submit to the state
36 board of education a recommendation to proceed pursuant to subsections ~~P-~~ Q,
37 R and ~~R-~~ S of this section or that the school be subject to a public hearing
38 to determine if the school failed to properly implement its improvement plan
39 and the reasons for the department's recommendation.

40 ~~V-~~ W. If the department does recommend a public hearing, the state
41 board of education shall meet and may provide by a majority vote at the
42 public hearing for the continued operation of the school as allowed by this
43 subsection. The state board of education shall determine whether
44 governmental, nonprofit and private organizations may submit applications to

1 the state board to fully or partially manage the school. The state board's
2 determination shall include:

3 1. If and to what extent the local governing board may participate in
4 the operation of the school including personnel matters.

5 2. If and to what extent the state board of education shall
6 participate in the operation of the school.

7 3. Resource allocation pursuant to subsection ~~X~~ Y of this section.

8 4. Provisions for the development and submittal of a school
9 improvement plan to be presented in a public meeting at the school.

10 5. A suggested time frame for the alternative operation of the school.

11 ~~W~~ X. The state board shall periodically review the status of a
12 school that is operated by an organization other than the school district
13 governing board to determine whether the operation of the school should be
14 returned to the school district governing board. Before the state board
15 makes a determination, the state board or its designee shall meet with the
16 school district governing board or its designee to determine the time frame,
17 operational considerations and the appropriate continuation of existing
18 improvements that are necessary to assure a smooth transition of authority
19 from the other organization back to the school district governing board.

20 ~~X~~ Y. If an alternative operation plan is provided pursuant to
21 subsection ~~Y~~ W of this section, the state board of education shall pay for
22 the operation of the school and shall adjust the school district's student
23 count pursuant to section 15-902, soft capital allocation pursuant to section
24 15-962, capital outlay revenue limit pursuant to section 15-961, base support
25 level pursuant to section 15-943, monies distributed from the classroom site
26 fund established by section 15-977 and transportation support level pursuant
27 to section 15-945 to accurately reflect any reduction in district services
28 that are no longer provided to that school by the district. The state board
29 of education may modify the school district's revenue control limit, the
30 district support level and the general budget limit calculated pursuant to
31 section 15-947 by an amount that corresponds to this reduction in services.
32 The state board of education shall retain the portion of state aid that would
33 otherwise be due the school district for the school and shall distribute that
34 portion of state aid directly to the organization that contracts with the
35 state board of education to operate the school.

36 ~~Y~~ Z. If the state board of education determines that a charter
37 school failed to properly implement its improvement plan, the sponsor of the
38 charter school shall revoke the charter school's charter.

39 ~~Z~~ AA. If there are more than two schools in a district and more than
40 one-half, or in any case more than five, of the schools in the district are
41 designated as schools failing to meet academic standards for more than two
42 consecutive years, in the next election of members of the governing board the
43 election ballot shall contain the following statement immediately above the
44 listing of governing board candidates:

1 Within the last five years, (number of schools) schools in the
2 _____ school district have been designated as "schools
3 failing to meet academic standards" by the superintendent of
4 public instruction.

5 ~~AA.~~ BB. At least twice each year the department of education shall
6 publish in a newspaper of general circulation in each county of this state a
7 list of schools that are designated as schools failing to meet academic
8 standards.

9 ~~BB.~~ CC. The failing schools tutoring fund is established consisting
10 of monies collected pursuant to section 42-5029, subsection E as designated
11 for this purpose. The department of education shall administer the fund.
12 The department of education may use monies from the fund to purchase
13 materials designed to assist students to meet the Arizona academic standards
14 and to achieve a passing score on the Arizona instrument to measure standards
15 test in order to graduate from high school.